UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
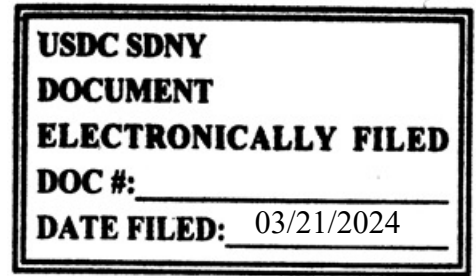
MIRIAM CRUZ, Individually and on Behalf of All Others Similarly Situated,
Plaintiff,
-against-
BAR 9 ENTERTAINMENT, CORP.,
Defendant.

23-CV-03133 (MMG)

ORDER OF DISMISSAL

MARGARET M. GARNETT, United States District Judge:

The Court is in receipt of the offer of judgment, pursuant to Rule 68 of the Federal Rules of Civil Procedure, and acceptance of said offer. Dkt. No. 30. The Court shall treat the offer of judgment and acceptance of said offer as notice that all claims asserted herein have been settled in principle.

Therefore, it is hereby ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs (including attorneys' fees) and without prejudice to the right to reopen the action **within 30 days** of the date of this Order if the settlement is not consummated.
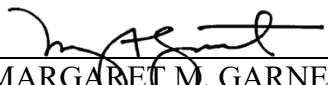
Any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis.

The Court is also in receipt of the Proposed Judgment. Dkt. No. 31. However, as the parties have been advised, the Proposed Judgment does not comport with the offer of judgment, and defendant accordingly objects to its entry by the Court. If the parties wish for the Court to retain jurisdiction for the purposes of enforcing the offer of judgment, they **must** submit a proposed judgment that comports with the offer of judgment to the Court by the deadline to reopen to be "so ordered" by the Court. Unless the Court orders otherwise, the Court will not retain jurisdiction to enforce the offer of judgment unless a sufficient proposed judgment is made part of the public record.

Any pending motions are moot. All conferences are cancelled. The Clerk of Court is directed to CLOSE the case.

Dated: March 21, 2024
         New York, New York

SO ORDERED.

MARGARET M. GARNETT
United States District Judge